

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ALFRED L. LAWSON,

Defendant-Appellant.

UNPUBLISHED
October 21, 1997

No. 196322
Recorder's Court
LC No. 95-013096

Before: Corrigan, C.J., and Griffin and Hoekstra, JJ.

PER CURIAM.

Defendant appeals as of right from his bench trial convictions of two counts of buying, receiving, possessing or concealing stolen property, embezzled or converted money, goods, or property, MCL 750.535(1); MSA 28.803(1). The first count alleged possession of a stolen vehicle. The second count alleged possession of stolen tools and air conditioning components. Defendant was sentenced to concurrent terms of one to five years in prison as enhanced for being an habitual fourth offender, MCL 769.12; MSA 28.1084. We affirm.

Defendant's sole issue on appeal is that the prosecution failed to present sufficient evidence to support his conviction. We disagree.

I

Defendant was discovered by police sleeping in the front seat of a vehicle in an area of Detroit characterized by police as a dumping ground for stolen cars. Two other individuals were sleeping in the back seat. The car was in very poor condition, with bullet holes in the door and a broken steering column. Two other individuals were sleeping in the back seat. Upon waking, defendant reached for a large knife and in response, the officer drew his weapon and ordered defendant out of the vehicle. Defendant was in possession of a driver's license belonging to another individual. A search of the vehicle revealed two wallets under the front seat, one belonging to defendant and the other with a driver's license belonging to another male. Upon checking the license plate and the VIN number, it was determined that the vehicle had been stolen. Defendant was placed under arrest.

Impoundment and a subsequent search of the car revealed that the passenger compartment contained tape measures, flashlights, and other hand tools. The vehicle's trunk contained hand tools and air conditioning components, which were identified at trial as having been stolen less than twelve hours before defendant was found in possession of them. Defendant's fingerprints were not found on any of the tools or components.

II

Defendant argues that there was insufficient evidence to convict him of possession of the stolen vehicle because there was no evidence that defendant knew the vehicle was stolen. Defendant's explanation was that he was homeless, had been drinking heavily on the night in question, and entered the area with two other individuals for the sole purpose of using it as a place to sleep. Defendant also notes the absence of fingerprints on the tools as support for his argument.

In reviewing a sufficiency of the evidence claim, this Court must view the evidence in the light most favorable to the prosecution and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992), amended on other grounds 441 Mich 1201 (1992); *People v Reeves*, 222 Mich App 32; 564 NW2d 476 (1997). The elements of receiving and concealing stolen property valued in excess of \$100 are that (1) the property was stolen, (2) the property has a fair market value over \$100, (3) the defendant bought, received, possessed, or concealed the property with knowledge that the property was stolen, and (4) the property was identified as being previously stolen. *People v Gow*, 203 Mich App 94, 96; 512 NW2d 34 (1993), citing *People v Ainsworth*, 197 Mich App 321, 324; 495 NW2d 177 (1992).

Defendant does not dispute the sufficiency of the evidence with regard to elements one, two, and four of the first count of the offense. With regard to the third element, the prosecution clearly provided sufficient evidence to prove that defendant possessed the vehicle with knowledge that it was stolen. Possession has been defined as “[t]he having, holding, or detention of property in one’s power or command; actual seizin or occupancy.” *People v Mette*, 249 Mich 619, 621; 229 NW 516 (1930). Here, defendant occupied the vehicle by sleeping in the front seat and was thereby in possession of the stolen vehicle.

Guilty knowledge “must usually be inferred from all of the various circumstances in the case.” *People v Westerfield*, 71 Mich App 618, 621; 248 NW2d 641 (1976). Here, defendant’s knowledge that the vehicle was stolen can be inferred from the location and condition of the vehicle. The vehicle was found in a nonresidential area where stolen cars are usually dumped. Furthermore, the prosecution introduced evidence that both the left side of the steering column and the driver’s side window were broken. Defendant’s explanation of events was clearly not consistent with this setting. Moreover, sufficient circumstantial evidence was presented that defendant possessed the property with knowledge that it was stolen. This Court has stated that “it is a well-established principle that possession of recently stolen property permits an inference that the possessor committed the theft.” *People v Mosley*, 107 Mich App 393, 397; 309 NW2d 569 (1981). The property in this case was stolen during the night of August 23 and defendant was found in possession of the goods on the morning

of August 24. Defendant could not explain the presence of the goods in the vehicle. Circumstantial evidence and reasonable inference arising from the evidence may constitute satisfactory proof of the elements of the offense. *People v Hutner*, 209 Mich App 280, 282; 530 NW2d 174 (1995), *Reeves, supra* at p 34. The prosecution presented sufficient evidence from which a rational trier of fact could find the elements of the offense were proven beyond a reasonable doubt.

Affirmed.

/s/ Maura D. Corrigan
/s/ Richard Allen Griffin
/s/ Joel P. Hoekstra